

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : PAOLETTI
U.S. Appln. No. : 08/228,926
U.S. Filing Date : May 4, 1982
Title of Invention : MODIFIED VACCINIA VIRUS AND METHODS FOR
MAKING AND USING THE SAME
Examiner : Mary Mosher
Art Unit : 1648
Confirmation No. : 4171

745 Fifth Avenue, New York, NY 10151

FILED VIA EFS
ON JULY 30, 2009

STATUS INQUIRY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The undersigned respectfully inquires as to the status of the present application.

Specifically, on March 6, 2009, a non-final Office Action issued, and on March 24, 2009, there was a telephonic interview with the Examiner wherein it was agreed that:

- By Examiner's Amendment Claim 53 is re-written to read:
-- 53. Donor DNA comprising isolated DNA not naturally occurring in vaccinia virus encoding a peptide foreign to vaccinia virus, flanked by DNA sequences homologous with portions of a non-essential region of the vaccinia genome, whereby when the donor DNA is incorporated into vaccinia virus by in vivo recombination there is expression of the peptide by the vaccinia virus after infection of a cell by the vaccinia virus. --
- All claims are allowed.
- The March 6, 2009 Office Action is withdrawn or deemed responded to as of March 24, 2009.

- Prosecution on the merits is closed.
- A Notice of Allowance is issuing.

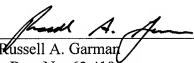
The Transaction History on PAIR shows the Examiner Interview Summary Record dated March 24, 2009, but that document is not available in the Image File Wrapper. Similarly, the application has been docketed to the GAU as of March 27, 2009, but there has been no action on the present application available in the Image File Wrapper in the case to date. Further, Applicant's representatives have been contacting the USPTO since March 2009 (e.g. telephonically), including a telephonic inquiry on July 27, 2009, requesting the status of the present application, and have been and continue to be advised that it is on track for the Notice of Allowance to issue (in accordance with the foregoing) and that no response is necessary to the March 6, 2009 Office Action. Moreover, it is nearly five (5) months from the March 6, 2009 Office Action, and over four (4) months from the March 24, 2009 Interview (such that, for example, the present application is approaching the six month statutory deadline from the date of the Office Action, and it thus seems timely for the Notice of Allowance to issue in the present application, in accordance with the foregoing and the March 24, 2009 Interview).

It is therefore respectfully requested that the Applicant be advised of the status of the present application, that claim 53 indeed is amended as set forth herein and as agreed upon during the March 24, 2009 Interview, that the March 6, 2009 Office Action is withdrawn or deemed responded to as agreed upon during the March 24, 2009 Interview, and that a Notice of Allowance promptly issue as also understood from the March 24, 2009 Interview.

Any fee for this paper or the herein requests (including any necessary extension of time fees) may be charged, or any overpayment credited to Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

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